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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,249	11/26/2003	Atsuya Okamoto	2018-808	6130

23117 7590 06/17/2005

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER

MILLER, CARL STUART

ART UNIT	PAPER NUMBER
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3747

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20050426

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Attached hereto.

The timely submission under 37 CFR 1.129(a) filed on January 21, 2005 is not fully responsive to the prior Office action because the last Office action required that the applicant elect species from three Groups by selecting one species from each of the three Groups. Applicant has, instead, elected the entire first Group. This does not comply with the election requirement. Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.

The applicant should note that the examiner has repeated his non-responsive action of 12/29/04 because the applicant has still not responded completely to the original restriction requirement. In that requirement the examiner identified Three Groups and required the applicant to elect one species from **each of** the three Groups. In his last response applicant elected Figure 10 only, which is in Group I. Applicant still needs to elect one species from Group II and one species from Group III in order to complete his response.


Art Unit: 3751

Finally, the examiner did try to reach applicant's attorney by telephone to obtain a telephone response to the requirement but no one with the authority to respond to the requirement was available. The examiner will call the applicant's representative again to help speed up this process.

Any inquiry concerning this communication should be directed to Carl Miller at telephone number (571) 272-4849.

Miller/PJ

04/26/05



Carl S. Miller
Primary Examiner